

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

WINTER HARRINGTON,
61 Ryan Ln Apt. #1
DeSoto, IL 62924,

and

JALESA WATTS
321 Fairway Vista
Murphysboro, IL 62966

Plaintiffs,

NO: 4:22-cv-624

VS.

BRYAN GOMEZ TZOY,
20 Gary Ct. Apt. H
St. Charles, MO 63301,

Defendant.

PETITION

COUNT I

(Negligence)

Winter Harrington v. Bryan Gomez Tzoy

Now comes the Plaintiff, Winter Harrington, by and through her attorneys, Rich, Rich, Cooksey & Chappell, P.C., and for her cause of action against the Defendant, Bryan Gomez Tzoy, respectfully represents unto the Court as follows:

1. That the Plaintiff, Winter Harrington, is a citizen of DeSoto, in the County of Jackson, and the State of Illinois.

2. That the Defendant, Bryan Gomez Tzoy, is a citizen of St. Charles, in the County of St. Charles, and the State of Missouri.

3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.

4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.

5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.

6. That on December 19, 2021, the Plaintiff, Winter Harrington, was operating a motor vehicle traveling Northbound on Woodson Road, just north of the intersection with Aerospace Drive, in Woodson Terrace, Missouri.

7. That on December 19, 2021, the Defendant, Bryan Gomez Tzoy, was operating a motor vehicle traveling Northbound on Woodson Road, just north of the intersection with Aerospace Drive, in Woodson Terrace, Missouri.

8. That at said time and place, the vehicle operated by the Defendant, Bryan Gomez Tzoy, struck the rear of Plaintiff's vehicle as she was stopped waiting on traffic to pass, to make a left turn into a parking lot.

9. At said time and place, the Defendant, Bryan Gomez Tzoy, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;
- b. The Defendant drove his vehicle in such a manner as to cause it to strike the rear of Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of his vehicle; and

- d. The Defendant operated his vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway;

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Bryan Gomez Tzoy, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to her neck;
- c. The Plaintiff received injuries to her left shoulder;
- d. The Plaintiff received injuries to her left arm;
- e. The Plaintiff received injuries to her left hand;
- f. The Plaintiff received injuries to her back;
- g. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- h. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- i. The Plaintiff has suffered disability as a result of her injuries;
- j. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- k. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Winter Harrington, prays judgment against the Defendant, Bryan Gomez Tzoy, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

COUNT II
(Negligence)

Jalesa Watts v. Bryan Gomez Tzoy

Now comes the Plaintiff, Jalesa Watts, by and through her attorneys, Rich, Rich, Cooksey & Chappell, P.C., and for her cause of action against the Defendant, Bryan Gomez Tzoy, respectfully represents unto the Court as follows:

1. That the Plaintiff, Jalesa Watts, is a citizen of Murphysboro, in the County of Jackson, and the State of Illinois.
2. That the Defendant, Bryan Gomez Tzoy, is a citizen of St. Charles, in the County of St. Charles, and the State of Missouri.
3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.
4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.
5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.
6. That on December 19, 2021, the Plaintiff, Jalesa Watts, was a passenger in a motor vehicle traveling Northbound on Woodson Road, just north of the intersection with Aerospace Drive, in Woodson Terrace, Missouri.
7. That on December 19, 2021, the Defendant, Bryan Gomez Tzoy, was operating a motor vehicle traveling Northbound on Woodson Road, just north of the intersection with Aerospace Drive, in Woodson Terrace, Missouri.

8. That at said time and place, the vehicle operated by the Defendant, Bryan Gomez Tzoy, struck the rear of the vehicle in which Plaintiff was a passenger, as it was stopped waiting on traffic to pass, to make a left turn into a parking lot.

9. At said time and place, the Defendant, Bryan Gomez Tzoy, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle in which Plaintiff was a passenger;
- b. The Defendant drove his vehicle in such a manner as to cause it to strike the rear of the vehicle in which Plaintiff was a passenger;
- c. The Defendant failed to properly apply the brakes of his vehicle; and
- d. The Defendant operated his vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway;

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Bryan Gomez Tzoy, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to her neck;
- c. The Plaintiff received injuries to her back;
- d. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- e. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;

- f. The Plaintiff has suffered disability as a result of her injuries;
- g. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- h. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Jalesa Watts, prays judgment against the Defendant, Bryan Gomez Tzoy, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

Respectfully submitted,

/s/ Michelle M. Rich

BY: RICH, RICH, COOKSEY & CHAPPELL, P.C.

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